

an information providing medium that stores information in an electromagnetic or optical manner, the information providing medium being attached to an entity in order to provide information identifying the entity as genuine;

4/18/03
10/1/03
a hand held terminal device having an information read function for reading said information from said information providing medium in an electromagnetic or optical manner and recording the information therein; and

an information processing unit for retrieving said information recorded in said hand held terminal device and determining whether the entity is genuine;

wherein said information providing medium is inconspicuously attached to the entity.

REMARKS

This is in full and timely response to the non-final Office Action mailed July 30, 2002. By this amendment, claims 1, 3, 7, 8, 10, 12 and 16 were amended, claim 20 was added, and a substitute abstract provided. Claim 1 was amended to recite that the information providing medium stores information. It will be understood that in order for information to be read from the information providing medium, the information will have previously been stored on the information providing medium. Claims 1, 8 and 10 were amended to recite that the information providing medium is inconspicuously attached to the entity, and to correct for grammar. Support for this amendment can be found variously throughout the specification, for example, at page 4, lines 16-18 and at page 12, line 19 to page 13, line 15. Claims 3, 7, 12 and 16 were also amended for antecedent basis and spelling. Additionally, the abstract has been replaced with a single-paragraph abstract. No new matter was added. Claim 20 was added to recite that the stored information identifies the entity as genuine, and that the information providing medium is inconspicuously attached to the entity. Support for this claim can be found in the specification, for example, at page 12, line 19 to page 13, line 15. Accordingly, claims 1-20 are pending for the Examiner's reconsideration, with claims 1, 8, 10 and 20 being independent. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §112

Claim 1 was rejected under 35 U.S.C. §112, second paragraph for indefiniteness. The Office Action alleges that the word "capable" in conjunction with "reading" renders the definite term "reading" indefinite by extending the scope of the expression "capable of reading"

By this Amendment, Applicant has amended claim 1 to recite that "an information providing medium that stores information...". This amendment was made to clarify that the information recording medium stores information, and it follows that information stored on the information providing medium can be retrieved. Withdrawal of this rejection is respectfully requested.

Claims 7 and 12 were amended to correct for antecedent basis. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-2, 6, 10, 15-16 and 18-19 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,739,518 to Wang. Applicant respectfully traverses this rejection.

Claim 1 recites an information processing system comprising: an information providing medium that stores information in an electromagnetic or optical manner, the information providing medium being attached to an entity in order to provide information associated with the entity; a hand held terminal device having an information read function for reading said information from said information providing medium in an electromagnetic or optical manner and recording the information therein; and an information processing unit for retrieving said information recorded in said hand held terminal device and processing the information therein; wherein said information providing medium is inconspicuously attached to the entity.

Claim 10 recites an information processing method comprising: inconspicuously attaching an information providing medium that stores information in an electromagnetic or optical manner to an article or material, the information providing medium providing information associated with the article or material; and reading said information from said

information providing medium in an electromagnetic or optical manner and recording the information, followed by reading and processing said recorded information.

In this manner, for example, a tag storing information about a product can be attached to the product, and a user can retrieve the stored information for use later. In the case of an advertisement referring to a web site, for example, a user can store the web address for later use. The tag for storing the information is inconspicuously attached to the entity or product.

Wang '518 discloses a hand-held reader that optically reads and stores information from a bar code and the like. A decoder uses a suitable decoding protocol to decode the stored data. Wang '518 only teaches a hand-held reader, storage of scanned dataforms in the reader, and the decoding of the dataform. Wang '518 also discloses that that dataforms are stored in the reader as pixel values representing reflective values of light, and may be based upon sound waves, so long as the dataform is arranged to be read on the basis of reflective values that can be stored as pixels. While Wang '518 discloses that "Dataforms may be printed in invisible ink, magnetically recorded via magnetic stripes or magnetic ink fonts, electromagnetically recorded via RF tags, engraved, stamped, tattooed (on skin), formed by ion doping (for semiconductor wafers), or biochemical binding, etc." (column 2, lines 7-12), Wang '518 does not disclose, teach or suggest a system including the element whereby the dataform is inconspicuously attached to the entity or product.

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Wang '518 fails to disclose, either explicitly or implicitly, at least the above-noted feature recited in independent claims 1 and 10, Wang '518 cannot anticipate the claims. At least in view of the foregoing, claims 1 and 10 are allowable, and the rejection should be reconsidered and withdrawn.

Dependent claims 2 and 6, being dependent upon claim 1, and dependent claims 15-16 and 18-19, being dependent upon claim 10, are also allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §102(b) rejection is therefore respectfully solicited.

Claim 8 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,089,456 to Walsh et al. Applicant respectfully traverses this rejection.

Claim 8 recites a hand held cellular phone for reading information from an information providing medium inconspicuously attached to an entity, said hand held cellular phone comprising: a telephone function; information read means for reading information associated with said entity from said inconspicuously attached information providing medium; and non-volatile storage means for storing information read from said information read means.

Walsh et al. '456 discloses a cellular telephone having a bar code reader. The telephone stores bar code information for later use. Walsh et al. '456 is directed towards bar code readers, and only bar code media is disclosed. See col. 2, line 46. Walsh et al. '456 does not disclose, teach or suggest a system including the element whereby the dataform is inconspicuously attached to the entity or product.

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Walsh et al. '456 fails to disclose, either explicitly or implicitly, at least the above-noted feature recited in independent claim 8, Walsh et al. '456 cannot anticipate the claims. At least in view of the foregoing, claim 8 is allowable, and the rejection should be reconsidered and withdrawn.

Rejections under 35 U.S.C. §103

Claims 3 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wang '518 in view of U.S. Patent No. 5,367,148 to Storch et al. Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

Claim 3 recites the additional feature to claim 1 wherein said information processing unit is adapted to discriminate whether the information read from said hand held terminal device is genuiness or counterfeit.

Claim 17 recites the additional feature to claim 10 wherein the processing is comprised of a discrimination system for discriminating whether said commodity is genuiness or counterfeit.

Storch et al. '148 discloses or suggests that bar codes can be used to identify counterfeit products, by using numbers in the bar codes having random portions. Part of this code is

accessible, another part is less accessible. Thus, the code is split between accessible and less accessible portions that contain stored information. This duality requires that two separate "tags" be placed on an item: one on the outside of a product and one on the inside of the product that is "hidden" from normal viewing of the object. See col. 4, lines 45-51. Alternatively, only one tag is present with additional information that can be used to authenticate the product. In order for this scheme to work, the outer tag must be conspicuous, as this is the tag that would be replaced by a potential counterfeiter. Accordingly, at least one tag containing product information is in plain view, and cannot be "inconspicuously attached to the entity" as recited in the independent claims.

Claim 3, being dependent upon claim 1, is allowable for the reasons above. Moreover, this claim is further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Claim 17, being dependent upon claim 10, is allowable for the reasons above. Moreover, this claim is further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wang '518 in view of U.S. Patent No. 5,959,531 to Gallagher III et al. and U.S. Patent No. 6,012,641 to Watada. Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

Claim 4, being dependent upon claim 1, is allowable for the reasons above. Moreover, this claim is further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Claims 5, 7 and 11-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wang '518 in view of Walsh et al. '456. Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

Claims 5 and 7, being dependent upon claim 1, are allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly

within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Claims 11-14, being dependent upon claim 10, are allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Walsh et al. '456 in view of Wang '518. Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

Claim 9, being dependent upon claim 8, is allowable for the reasons above. Moreover, this claim is further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

New Claim 20

New claim 20 recites an information processing system comprising: an information providing medium that stores information in an electromagnetic or optical manner, the information providing medium being attached to an entity in order to provide information identifying the entity as genuine; a hand held terminal device having an information read function for reading said information from said information providing medium in an electromagnetic or optical manner and recording the information therein; and an information processing unit for retrieving said information recorded in said hand held terminal device and determining whether the entity is genuine; wherein said information providing medium is inconspicuously attached to the entity.

It can be readily seen that claim 20 incorporates the elements of providing information identifying the entity as genuine, as well as the information providing medium being inconspicuously attached to the entity. As discussed above, none of the applied art, either alone or in combination, disclose, teach or suggest a system as claimed where the information providing medium is inconspicuously attached to the entity and that the information providing

medium provides information identifying the entity as genuine. Accordingly, claim 20 is allowable.

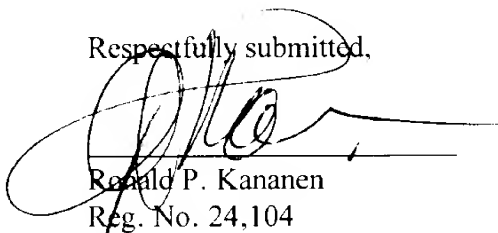
Conclusion

For the foregoing reasons, claims 1-20 are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these amendments and remarks is courteously solicited. If the examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

Date:

March 30, 2002

Respectfully submitted,



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Appendix I

In accordance with 37 CFR 1.121(c)(1)(ii), amended claims 1, 3, 7, 8, 10, 12 and 16 are set forth in a marked-up version below:

1. (amended) An information processing system comprising:
an information providing medium [capable of reading]that stores information in an electromagnetic or optical manner, the information providing medium being attached to an entity in order to provide information associated with the entity;
a hand held terminal device [with its]having an information read function for reading said information from said information providing medium in an electromagnetic or optical manner and recording the information therein; and
an information processing unit for [reading]retrieving said information [from]recorded in said hand held terminal device and processing the information therein;
wherein said information providing medium is inconspicuously attached to the entity.

3. (amended) An information processing system as claimed in claim 1, wherein said information processing unit is [adopted]adapted to discriminate whether the information read from said hand held terminal device is genuiness or counterfeit.

7. (amended) An information processing system as claimed in claim 1, wherein said hand held terminal device is at least a hand held cellular phone having [its]said information read function.

8. (amended) A hand held cellular phone for reading information from an information providing medium inconspicuously attached to an entity, said hand held cellular phone comprising:
a telephone function;
information read means for reading information associated with said entity from said inconspicuously attached information providing medium; and

non-volatile storage means for storing information read from said information read means.

10. (amended) An information processing method comprising:
inconspicuously attaching an information providing medium [capable of reading]that
stores information in an electromagnetic or optical manner to an article or material, the
information providing medium providing information associated with the article or material; and
reading said information from said information providing medium in an electromagnetic
or optical manner and recording the information, followed by reading and processing said
recorded information.

12. (amended) An information processing method as claimed in claim 11, wherein said
hand held terminal device is a hand held cellular phone having [its]said information read
function.

16. (amended) An information processing method as claimed in claim 10, wherein [an]a
commodity selling system applied to a commodity concerning said commodity is constructed,
the commodity selling system providing the electronic information content associated with said
commodity.

Appendix II

In accordance with 37 CFR 1.121(b)(1)(iii), the amended Abstract is set forth in a marked-up version below:

ABSTRACT OF THE DISCLOSURE

An information processing system comprises[:]an information providing [electronic parts 11 capable of reading]medium that stores information in an electromagnetic or optical manner, the [parts]information providing medium being attached to an entity [2] in order to provide information associated with the entity [2]; a hand held terminal device [30 with its]having an information read function that reads information from the information providing [electronic parts 11]medium in an electromagnetic or optical manner and record the information; and an information processing unit [5 for reading and processing]for retrieving the information recorded in [this]the hand held terminal device [30]; wherein the information providing medium is inconspicuously attached to the entity. In this manner, the information can be recorded into the hand held terminal for later use by a user.

[In this way, in the case where an information user attempts to obtain information associated with an entity such as commodity or advertising material, the information can be electronically recorded momentarily and processed.]